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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,204	09/18/2000	Nathan F. Raciborski	19396-000200US	4087

7590 08/22/2005

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EXAMINER
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SHINGLES, KRISTIE D

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/665,204

Applicant(s)

RACIBORSKI ET AL.

Examiner

Kristie Shingles

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6,7,10-14 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) 3,5,8,9,15 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6,7,10-14 and 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

*Applicant has amended claims 7, 14, 18 and 19.  
Claims 3, 5, 8, 9, 15 and 16 have been cancelled.  
Claims 1-2, 4, 6-7, 10-14 and 17-20 are pending.*

### *Response to Arguments*

1. Applicant's arguments (see Remarks pages 7-10) filed on 6/14/2005 with respect to the rejections of claims 1, 2, 7-11, 13-15, 17 and 20 under 35 U.S.C. 102(e) and 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejections have been withdrawn. However, upon further consideration, a new ground of rejection is made in view of *Frey, Jr.* (US 6,922,688) and *Novaes et al* (US 6,925,460).

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 6-7, 10-11, 13-14, 17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Frey, Jr.* (US 6,922,688) in view of *Novaes et al* (US 6,925,490).

**Regarding claim 1,** *Frey, Jr.* teaches a system for distributing content to a client computer, comprising: a server comprising a content object (Abstract, col.1 lines 28-53); a first content server at a first address, wherein the first content server comprises a first copy of the content object; a second content server at a second address, wherein the second content server comprises a second copy of the content object (Abstract, col.3 line 31-col.4 line 65, col.5 lines 4-14).

*Frey, Jr.* fails explicitly teach a preference list originating from the client computer, wherein the preference list comprises at least one of the first address and the second address. However, *Novaes et al* teach registry servers in cluster computing environments, wherein a list of the servers is maintained. The list comprises the address of the servers and their priority value. Clients order the list of node addresses, having preferences for specific servers over other servers (col.20 line 13-21, col.22 line 35-col.23 line 30, col.23 line 66-col.24 line 64). Furthermore, *Frey, Jr.* and *Novaes et al* teach a directory located remote to the client computer, wherein the directory maps at least one of the content object, the first copy, and the second copy to the client computer, wherein the directory is affected by the preference list (*Frey, Jr.*: col.2 lines 42-51, col.3 lines 45-56, col.5 line 58-col.6 line 43; *Novaes et al*: col.20 lines 13-21, col.22 line 35-col.23 line 39, col.24 lines 10-62, col.25 line 4-col.26 line 11).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Frey, Jr.* and *Novaes et al* for the purpose of allowing preferential access to the storage device/server bases on the client's priorities and load balancing, wherein a list or data structure maintains the addresses and locations of the storage devices/servers in the system.

**Claims 7 and 14** contain limitations that are substantially equivalent to claim 1 and are therefore rejected under the same basis.

**Referring to claim 2**, *Frey, Jr.* and *Novaes et al* teach the system for distributing content to the client computer as recited in claim 1, *Frey, Jr.* further teaches the system further comprising a routing mechanism that maps one of the content object, the first copy and the second copy to the client computer (col.2 lines 28-61, col.5 lines 15-57).

**Claim 10** is substantially equivalent to claim 2 and is therefore rejected under the same basis.

**Referring to claim 6**, *Frey, Jr.* and *Novaes et al* teach the system for distributing content to the client computer as recited in claim 1, *Frey, Jr.* further teaches wherein: the content object comprises a first portion and a second portion; the first portion is stored on the first content cache and not on the second content cache; and the second portion is stored on the second content cache and not on the first content cache (Abstract, col.2 lines 28-51, col.5 lines 15-57).

**Claims 13 and 19** are substantially equivalent to claim 6 and are therefore rejected under the same basis.

**Referring to claim 11**, *Frey, Jr.* and *Novaes et al* teach the system for distributing content to the client computer as recited in claim 7, *Frey, Jr.* further teaches the system further comprising a server that comprises the content object (Abstract, col.1 lines 28-53, col.3 line 31-col.4 line 65, col.5 lines 4-14; *Novaes et al*: col.20 line 13-21, col.22 line 35-col.23 line 30, col.23 line 66-col.24 line 64).

**Claim 17** is substantially equivalent to claim 11 and is therefore rejected under the same basis.

**Referring to claim 20**, *Frey, Jr.* and *Novaes et al* teach the system for distributing content to the client computer as recited in claim 14, *Frey, Jr.* further teaches, wherein the routing mechanism includes a directory (col.2 lines 42-51, col.3 lines 45-56, col.5 line 58-col.6 line 43; *Novaes et al*: col.20 lines 13-21, col.22 line 35-col.23 line 39, col.24 lines 10-62, col.25 line 4-col.26 line 11).

4. Claims **4, 12 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Frey, Jr.* (US 6,922,688) in view of *Novaes et al* (US 6,925,490) and further in view of *Prasad et al* (US 6,539,381)

**Regarding claim 4**, *Frey, Jr.* and *Novaes et al* teach the system for distributing content to the client computer as recited in claim 1, as applied above. Yet *Frey, Jr.* and *Novaes et al* fail to explicitly teach wherein the server periodically delivers a catalog of content objects to the directory. However, *Prasad et al* teach wherein the server periodically delivers a catalog of content objects to the directory (col.8 lines 6-20).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the system for optimized storage and retrieval of data on a distributed computer network of *Frey, Jr.* in view of *Novaes et al* wherein the server periodically delivers a catalog of content objects to the directory because the directory must be aware of which caches contain what content to be able to make an accurate decision of which cache will deliver the content to the client.

**Claims 12 and 18** are substantially equivalent to claim 4 and are therefore rejected under the same basis.

*Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: *Frey, Jr.* (USPN 6,449,731), *Srblic et al* (USPN 6,154,811), *Draper et al* (USPN 5,924,096), *Watanabe et al* (USPN 6,681,303), *Sindhu et al* (USPN 6,493,347) and *O'Grady et al* (USPN 6,757,791).


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Kristie Shingles*  
Examiner  
Art Unit 2141

kds

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER